IN RE: FETITIONS FOR SPECIAL HEARING * AND DONING VARIANCE - Inter-

section of Fennsylvania Ave- * nue and Bosley Avenue 9th Election District 4th Councilmanic District

Associates.

201 West Pennsylvania Avenue

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 88-156-SPHA

The Petitioner herein requests a special hearing to approve the subject site as a corner lot. as contained in the definition under Section 101 of the Saltimore County Ioning Fegulations (BCIF), to the extent that the site abuts on or is at the intersection of Bosley and Penncylvania Avenues and Bosley and Allegheny Avenues. respectively, and additionally, variances from height, setback and area requirements as set forth in the Petition filed and as more particularly described in Petitioner's Exhibit 1.

Tre Fetitioner, through its agent Dirk Mosin of Trammell Crow Company, appeared and was represented by Counsel. William M. Hesson, Jr., Esquire. Also appearing on tenal: of the Petition were the following: - Jay Strong Smith of G. W. Stephens. In. & Associates: T. J. Wang and Philip Ho of HEA: Glenn Cook of the Truffic Uncup: Onris Schein of Insham Lamistaping Architects; and Millard D. Eloom, Esquire. Coy Editorsin and Mary Lith of the West Towson Neighborhood As-Sociation accessed. For in concepture but as interested parties due to the lamract the Petitions may have on the west lowers residential area. By agreement cold all ratties interest. Does of the testimony was problemmed. However, there was some direct testimony by a few of the witnesses and the opportunity to quebfill witnesses becausing the imiffermed testimony. There were no Englandar. . Testiming our constant that the put was projectly up a lie. Fevel with (2π) which of the Shift of the attribute of these courses at an expension of the com-

Temsection of Elektrony and Booley Almounts. The projects of the P.M. + C.T.

The Petitioner seeks a determination that the subject property is a corner lot pursuant to Section 500.7 of the BCZR and seeks relief from Sections 235 B.5, 234 and 231, pursuant to Section 307 of the BCZR.

Initially, the testimony dealt with the request set forth in the Petition for Special Hearing, that is, is the property a corner lot, as defined in the BCZR. Section 101 of the BCZR defines a corner lot as follows: "lot, corner: a lot abutting on and at the intersection of two or more streets." Testimony indicated that portions of the subject property do not abut Bosley Avenue due to the fact that Baltimore County owns and maintains an adjoining grass plot, which is a maximum width of 23 feet at the corner of Bosley and Allegheny Avenues to a minimum width of 1 foot at the corner of Bosley and Pennsylvania Avenues. Mr. Hesson profferred that the County condemned adjoining property at the time of the expansion of Bosley Avenue. The remaining strip was not needed for the road. Baltimore County has maintained the strip as a grass plot. The Fetitioner argued that the strip is of no economic value due to its small size. Further. It contends that declaring the subject property a corner lot would be within the spirit and intent of the regulations.

The Petitioner explained that its goal is to construct a Class A office building taking into consideration the concerns of the community. The Petitioner indicated it had met with the West Towson Neighborhood Association, the Towsom Deselopment Corporation, its immediately adjacent property owner, Mr. Tins-Fer. and representatives of the Baltimore County Economic Development Commission thave their input prior to the filing of the Petitions or for CRG approval. Warry William of the West Towson Neighborhood Association and Les Graef of the Tow-Ison Deselopment Corporation both indicated that the Petitioner's representatives with them. The Petitioner argued that the plat pubmitted as Petitioner's Expense I reflects a plan that it feels has incorporated the community's con-

cerns and those of the various departments of Baltimore County. Mr. Hesson indicated that CRG approval was granted on October 8, 1987. However, since the final plan did not strictly comply with the BCZR, the Petition for Zoning Variance was necessitated. The Petitioner requested a 0-foot variance from the front and sides of the building in lieu of the required 15 feet and 10 feet, respectively. With respect to this variance request, the Petitioner pointed out that there would be 14 feet of sidewalk, and in some parts 27 feet, as a portion ot the sidewalk will be under the second floor of the building. Currently, the sidewalk is 4 feet wide. Mr. Smith of George W. Stephens, Jr. and Associates, Inc., indicated that the sidewalk will be approximately the size, if nct larger than, of the Courthouse sidewalk on Pennsylvania Avenue. The Petitioner indicated that a 15-foot setback would make the site too narrow on which to build. Mr. Hesson further argued the Master Plan encourages flexible lot lines in the Towsontowne Center.

With respect to the side yard variance requested, testimony indicated that most of the office and garage structure would meet the side yard settack requirement. However, the northern portion of the side yard does not meet the setback requirements but adjoins the strip owned by Baltimore County, which at that point is approximately 23 feet wide. The Petitioner argued that a 10-foct setback in this area would make construction of the garage impossible and impose a great hardship on the project. The Petitioner contended that the proposed variances, if granted, would be within the spirit and intent of the BOLF.

The Petitioner profferred that the proposed building violates the beight tent requirements in three areas. For purposes of demonstration and clarity, the Petitioner used a model. First, the corner of the garage does not strictly meet the requirements, but is 90% in compliance. Second, there is a suclation the height tent requirements on the south end of the building. In this the cance, the height tent violation entern on the second floor of a seven floor

amerity open space (AOS). Even though it appears the Petitioner attempted to meet the required AOS ratio using every spare inch of open space it could find, it still falls shy of the necessary AOS required under Section 235 B.4 of the BCIP. In an effort to provide additional space, the Petitioner has had discussions with Baltimore County regarding the purchase of the grass strip between its building and Bosley Avenue. While the Petitioner proffered that Baltimore County may have been interested in transferring the land, even if Baltimore Scenty was inclined to do so, the County may not be able to transfer the property tetaise a portion of it was purchased with Federal funds. Mr. Chris Schein, a landscape architect, testified as to the extensive landscaping plans the Peti-

building. The Petitioner contended that if it was forced to strictly comply

with this requirement, the project would be economically unfeasible. Third, the

height tent pierced the top of the parapat at the corner of Bosley and Pennsyvl-

vania Avenues. The Petitioner contended that to be forced to strictly comply

with the ECZR would cause practical difficulty and unreasonable hardship. Fur-

ther, the Petitioner indicated that the parapats are an architectural feature

Additionally, the Petitioner has requested a variance regarding the

which provide character and uniqueness.

, tioner's Exhibit 2. The Petitioner contended that it would be a great hardship and pose practical difficulties to design a viable building in the site within toe floor area ratio limits, height limits and parking requirements if strict i distinguished with the ACS requirements was required.

tioner has adopted for its AGS. Those plans are set forth in detail in Peti-

Mr. Glenn Cook of the Traffic Group testified that as a result of stuties time by him, in his opinion, the projected traffic and traffic patterns resulting from the use of the building building would have no adverse effect on the safety of the community. The Petitioner's counsel profferred that a traffic

a butter be a sustain a commence of the commen CONTRACTOR CONTRACTOR OF THE FOREST CONTRACTOR OF THE STATE OF THE SERVICE OF THE Companies that conserve have the thorough the transfer of the server of the server of the server.

o literaturation in the company of the former of the borners are as a company to be the company of ್ರಾರ್ ಇಗಳ ನಿರ್ವಹಗಳಲ್ಲಿ ಸುವರ್ಷ ಆದರೇಶ ಶೇಕಿರುವರು ಹಾಗೂ ನರಕ ನಿರ್ವಹಿಸಲಾಗಿ ಅಥವಾಗುತ್ತು ಫ್ಲಾನಿಸ್ ವಾರು ಕುಣ್ಣಾಗಿತ್ತಾರೆ. linth of routh matters of his error massed to other. The form subject, for gother will take intrations the morach und diames to which the thight to would be expected; I the Continu Turner cas increased the depth of the comes estend to bunchine the size of deliweign and these families into west little section for the weign to restensive less issue; = . . In the amorethis to astate the distance to the transfer of the action of the action of the attempt of the the confidence impliments the compound and an earlier map of over imprepals. Sing the orange to make the cuilding complimentary with the Countrolese publishing from which it will be directly across: the letiticher elected to construct the garage. using materials similar to the build building which, succepting to the testimony of the architect, will probably double the cost of the garage.

An area variance may be granted where strict application of the zoning regulations would cause prontical difficulty to the Fetitioner and his property. Molean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- I whether strict compliance with requirement would unreaschably prevent the use of the property for a permitted purpose or render conformance unnecessarily purdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Ed. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is these from the testimony that it the variance was granted, such at the proposed would not be contrary to the spirit of the BCZH and would not tracet of selectaritial detriment to the public good.

liter the monsideration of the testimony and evidence presented, it is overs that a grantical difficulty or unreasonable hardship would result if the requestes variances were not granted. It has been established that the requirefrom which the fetitioner seeks relief would unduly restrict the use of the land the to the special conditions unique to this particular parcel. In addition. there was no testimony indicating that the granting of the special figures and wantances requested would be detrimental to the public, health, coloty, and general welfare.

Fursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested sperial hearing and variances should be granted.

Trerefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 24' day of November, 1987 that the subject site be approved as a corner lot, and additionally, that variances to permit building heights of 71 feet in lieu of 30 feet along a 20-foot alley parallel to Bosley Avenue; 94 feet in lies of 15 feet along a 10-foot alley parallel to Pennsylvania Avenue; and 123 feet in lieu of 90 feet along Pennsylvania Avenue; a front yard setback of 0 feet in lieu of the required 15 feet from the corner lot on Pennsylvania Avenue, and 30 feet in lieu of the required 40 feet from the centerline of the street; a side yard setback along a side street (Bosley Avenue) of O feet in lieu of the required 10 feet; and an amenity open space of 11,537 sq.ft. in lieu of the required 17,160 sq.ft., all in accordance with Petitioner's Exhibit 1, be permited, and as such, the Petitions for Special Hearing and Zoning Variances be and are hereby GRANTED, subject, however, to the following restrictions:

1) The letitioner may apply for his building permit and te granted name upon receipt of this Order; however, Fetitioner in hereby made aware that proceeding at this time is at the own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the fetitioner would be required to return, and be responsible for returning, said property to its crisial condition.

2) The Petitioner will landscape the subject property in accondance with the Baltimore County Landstape Manual and at least to the extent set forth in Petitioner's Exhibit 2.

3) The Petitioner shall comply with any and all conditions imposed by the Maryland Department of Transportation. State Highway Administration, Baltimore County's Department of Traffic Engineering, and Baltimore County's Department of Environmental Protection and Resource Management.

> Unn Milionowicz ANN M. NASTAHOWICZ Deputy Zoning Commissio her of Baltimore County

Dear Mr. Hesson:

ANN M. NASTAROWICZ Deputy Zoning Commissioner of Baltimore County

Enclosed please find the decision rendered in the above-referenced mat-

In the event the decision rendered is unfavorable to any party, please

ter. Your Petitions for Special Hearing and Zoning Variance have been Granted,

be advised that any party may file an appeal to the County Board of Appeals.

For further information on filing an appeal, please contact this office.

cc: Mr. Dirk Mosis Trammel Crow Company 7 St. Paul Street, Suite 720, Baltimore, Md. 21218 Ms. Joy Biddison 704 Allegheny Avenue, Towson, Hd. 21204

Ma. Mary Ginn 606 Horncrest Road, Towson, Md. 21204 People's Counsel

William M. Hesson, Jr., Esquire Molan, Flumboff & Williams

Case No. 88-156-SPHA

\$5: Petitions for Special Hearing and Zoning Variance

Intersection of Pennsylvania Avenue and Bosley Avenue

in accordance with the restrictions noted in the attached Order.

201 West Pennsylvania Avenue Associates - Petitioner

9th Election District; 4th Councilmanic District

254 W. Pennsylvania Avenue

Towson, Maryland 21204

Very truly yours.

RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCES E/S Bosley Ave. between Pennsylvania & Allegheny Aves.,

9th District

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

210 WEST PENNSYLVANIA AVENUE : Case No. 88-156-SPHA LIMITED PARTNERSHIP, Petitioner :::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREB. CERTIFY that on this 7th day of October, 1987, a copy of the foregoing Entry of Appearance was mailed to William M. Hesson, Jr., Esquire, Nolan, Plumhoff & Williams, Chartered, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

ZONING OFFICE

(EXHIBIT B)

Section 2 _B.5, 234, and 231, 234, Height:

The buildable site consists of 0.98 A and the floor area ratio (FAR) permits a structure having 5.5 times the gross area of 1.41 A. The proposed office structure will contain 141,067 sq. ft. which is within the allowed FAR. An economic use of this site requires that the building be of such a height that it will penetrate the height tents calculated from the adjoining streets. There is a limited amount of land available within the Towsontown Center and building heights should be flexible to allow development appropriate to a town center. The structure will be lower than the permitted height under the BCZR. Thus, by designing a structure that is permitted under BCZR a variance from the height tents is needed to avoid the practical difficulty of an alternate design and the hardship associated therewith.

tion 235.1. Front Yard Setback (Pennsylvania Avenue):

A setback variance along Pennsylvania Avenue is required because of the narrowness of the site. A fifteen foot setback would make the site too narrow on which to build. The existing structures on the site do not follow the setbacks required. The Master Plan encourages flexible lot lines in the Towsontown Center. The right-of-way on Pennsylvania is quite wide in relation to the paved portion of the street. The County Courts Building was built with minimal, if any, setbacks. To realize the full setback on the north side of Pennsylvania Avenue would be a hardship and would pose practical difficulties.

Sections 235.2 and 232.2b, Side Yard Setback (Bosley Avenue):

Much of the office and garage structure will be built with the appropriate setback; however, the northern portion, where the variance is sought along Bosley Avenue, adjoins a strip of land owned by Baltimore County but not usable for building. A ten foot setback in this area would make the construction of a garage virtually impossible and impose great hardship on the project.

Section 235B.4. Amenity Open Space:

While the garage structure amenity open space (A.O.S.) is provided, the A.O.S. for the office structure amounts to about one third (1/3) of an acre. It would be a great hardship as well as posing practical difficulties to design a viable building on this site, within the FAR

TO THE . NING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Spe ial Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the determination that the site is a corner lot as contained in the definition under BCZR Section 101 to the extent that the site abuts on or is at the intersection

of Bosley and Pennsylvania Avenues, and Bosley and Allegheny Avenues, respectively. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or/we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of penjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

| Dantataga | | |
|---|--|-------------------------|
| Petitioner and Contract Purchaser: | Legal Owner(s): | MAP <u>NE/OA</u> |
| 210 West Pennsylvania Avenue Associates | *************************************** | <u>3C</u> |
| (Type or Print Name) Limited Partnership BY: (Row - Towson Limited P. Ship | (Type or Print Name) | E. D. 95 |
| Signature Ey: Cirs Nosis | Signature | DATE //8/88 |
| Suite 720, 7 St. Paul Street | | 200 BF |
| Address | (Type or Print Name) | 1003 F |
| Ealtimore, Maryland 21202 City and State | Signature | DP |
| Attorney for Petitioner: William M. Hesson, Jr., Esquire | | N- 37, 749 E- 2, 102 |
| Nolan, Plumhoff & Williams, Chrid (Type or Print Name) William W. Herron | Address | Phone No. |
| Signature | City and State | |
| 204 West Pennsylvania Avenue Address | Name, address and phone number of le tract purchaser or representative to b | egal owner, con- |
| Towson, Maryland 21204 City and State | William M. Hesson, Jr., Esq Name | uire |
| Attorney's Telephone No.: (301) 823-7800 | 204 West Pennsylvania Avenu | e 823-7800 |
| | Address | Phone No. |

ORDERED By The Zoning Commissioner of Baltimore County, this _____ 16tb____ day, 19_87, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the ____Arh____ day of ___November____, 19.87__, at _10:00 o'clock

limits, height limits and providing more than adequate parking

if the full A.O.S. were required. Additionally, adjoining

County owned green space at the corner of Bosley and Allegheny will be largely preserved and will blend well with the building

design. Still, approximately 69% of the required A.O.S. is

being provided. Also, open space is provided in the vicinity

of the project by the Courts Building water fountain, plaza and

park, the Tinsley properties, and the center green strip of

GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.

P.O. BOX 6828, TOWSON, MARYLAND 21204 Description to Accompany a August 3, 1987 Petition For a Special Hearing and Variances. RE: 210 West Pennsylvania Avenue

Point of beginning being located at the intersection of north side of Pennsylvania Avenue with the west side of Bosley Avenue thence in a clockwise direction:

1) North 06° 26' 26" East 150.46 feets

City and State

'2) South 83° 33' 34" East 23.34 feet: 3) North 06° 26' 26" East 159.99 feet:

4) South 83° 33' 34" East 80.00 feet:

5) South 07° 11' 26" West 224.00 feets

6) South 83° 33' 34" East 151.40 feet±

7) South 07° 56' 11" West 96.02 feet± 8) North:83° 33' 34" West 275.8 feets and

9) by a radius to the right of 19.00 feet for a length of 19.93 feet to the place of beginning.

Containing 0.98 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)

converse the der i delenter - been

PETITIO FOR ZONING VALENCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section __ 235B_5_ 234_ and 231 to permit a/height 11 of seventy-one feet (71') in lieu of thirty feet (30') (or 1% x 20') along a twenty foot (20') alley parallel to Bosley Avenue, 2) of ninety-four (94') (See attached Exhibit A).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

(See attached Exhibit B)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Petitioner and Contract Purchaser: Legal Owner(s): 210 West Pennsylvania Avenue (Type or Print Name) Limited Partnership (see attached letter) (Type or Print Name) By: Crow-Towson Litrited Partnership
Signature by: While D Suite 720, 7 St. Paul Street (Type or Print Name) Baltimore, Maryland 21202 Attorney for Petitioner: William M. Hesson, Jr., Esquire Nolan, Plumhoff & Williams, Chtd. (Type or Print Name) Millian M. Herrow City and State 204 West Pennsylvania Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted Towson, MD 21204 William M. Hesson, Jr., Esquire Attorney's Telephone No.: (301) 823-7800

204 West Pennsylvania Avenue 823-7800 ORDERED By The Zoning Commissioner of Baltimore County, this __/ 6 Z of __September_____, 19_87, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

_A_M.

88-156-SPHA

4.5

street, and

2997A

Petition for Zoning Variance continued

(or 1-1/2 x 60') along Pennsylvania Avenue, and

in lieu of the required ten feet (10'), and

in lieu of fifteen feet (15') (or 1-1/2 x 10') along a ten foot

(10') alley parallel to Pennsylvania Avenue, and 3) of one

hundred twenty-three feet (123') in lieu of ninety feet (90')

corner lot on Pennsylvania Avenue of zero feet (0') in lieu of the required fifteen feet (15') and thirty feet (30') in lieu

of the required forty feet (40') from the center line of the

From Section 235.2 and 232.2b to permit a side yard setback along a side street (Bosley Avenue). of zero feet (0')

From Section 235B.4 to allow an amenity open space of 17,160 square feet in lieu of the required 16,660.7 square feet.

From Section 235.1: to permit a front yard setback of

9th Election District - 4th Councilmanic District Case No. 88-156-SPHA

PETITIONS FOR SPECIAL HEARING AND VARIANCES

(EXHIBIT A)

East Side of Bosley Avenue between Pennsylvania and Allegheny Avenues

DATE AND TIME: Wednesday, November 4, 1987, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve the determination that the site is a corner lot as contained in the definition under Section 101 of the Baltimore County Zoning Regulations (BCZR) to the extent the site abuts on or is at the intersection of Bosley and Pennsylvania Avenues and Bosley and Allegheny Avenues respectively

Petition for Zoning Variances to permit a building height of 71 feet in lieu of 30 feet or $1\frac{1}{2}$ feet times 20 feet along a 20 foot alley parallel to Bosley Avenue, of 94 feet in lieu of 15 feet or $1\frac{1}{2}$ feet times 10 feet along a 10 foot alley parallel to Pennsylvania Avenue and of 123 feet in lieu of 90 feet or $1\frac{1}{2}$ feet times 60 feet along Pennsylvania Avenue, a front yard setback of corner lot on Pennsylvania Avenue of O feet in lieu of the required 15 feet and 30 feet in lieu of the required 40 feet from the centerline of the street, and a side yard setback along a side street

(Bosley Avenue) of 0 feet in lieu of the required 10 fect, and an amenity open space of 17,160 square feet in lieu of the required 16,560.7 square feet

Being the property of 210 West Pennsylvania Avenue Limited Partnership, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing,

> J. ROBERT HAINES ZONING COMMISSIONER OF BALTIMORE COUNTY

2997A

Exhibit B. continued

Bosley Avenue.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 88-156-59 HA

| | | I OWNOR MALAISTIG | |
|---------------------------------|-----------------|--------------------------------|--------------------------------|
| District 97h Posted for: Sports | Hearing 4 | Voriones | Date of Posting 10/11/87 |
| Petitioner: 210 | W. Ponna, Ar | . Hts. Port- | nership |
| Location of property: | 75 Besley As | cs, botwoon | Connet Allogh ony Aver |
| Location of Signe D. | Focies Bollo M. | 10, 000 1 Fr. Madwey + 30') | TOD Sweep of 35 Fr Lkoapet Ore |
| Remarks: | Λ. A.—. | ************** | |
| Posted by | Signature | Date | of return: 10/16/87 |

CERTIFICATE OF PUBLICATION

PETITION FOR SPECIAL HEARING AND WARMACES SIN Election District 4th Councilments District Case No. 88-158-SPHA Oct 14, 187 LOCATION: East Side of Booley Assaus between Pennsylvenia and Alleghary Avenues
DATE AND TIME: WednesNovember 4, 1987, at 10:00 a.m.
PUBLIC HEARING. Room 106,
Courty Office Building, 111 W Cheespeake Avenue, Towson, Maryland THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed The Zoning Commissioner of Balf-more County, by authority of the Zoning fact and Regulations of Balfi-more County, will hold a public tweeand published in Towson, Baltimore County, Md., appearing on Oct 14, 1987 Publics for Special Hearing to suprove the determination that the site is a corner tot as conbained in the definition under Section 101 of the Beltimore County Zoning Regulations (CZR) to the extent the site abute on or is at the intersection of Boeley and Pennsylvania Ave-muss and Boeley and Alleghamy TOWSON TIMES, Publican for Zoning Vertences to

Gusan Studies Obsest

William M. Hesson, Jr., Esquire October 5, 1987 204 West Pennsylvania Avenue Towson, Maryland 21204

> NOTICE OF HEARING RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES E/S Bosley Avenue between Pennsylvania and Allegheny Avenues 9th Election District - 4th Councilmanic District 210 West Pennsylvania Avenue Associates Limited Partnership - Petitioner Case No. 88-156-SPHA

Wednesday, November 4, 1987 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

10:00 a.m.

of Baltimore County

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oci 15, 1987

Gusan Sender Obrest

BALTIMORE COUNTY, MARYLAND No. 41428 OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT AMOUNT_\$ 200 : 60 FOR FILING FEE - WRITNEE + SPECIAL MODER - 176451

B B173****200001a 8050F 210 W. PENNA LAS LASON LAD PRINCIP POTITIONER

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this

Petitioner 210 Vest Pennsylvania Avenue Received by: James R. Dver
Petitioner's Associated Limited Partnership Chairman, Zoning Plans Attorney William H. Hesson, Jr., Esquire Advisory Committee

BALTIMORE COUNTY, MARYLAND No. 37976 OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 3-01-615-000 4 SIGNS & POSTS TURNED AMOUNT \$ 192.76
Wm. M. Hesson, Jr., Esq., 204 W. Pennsylvania Ave., Towson, Md. 21204 ADVERTISING & POSTING COSTS RE CASE #88-155-SPHA B 8036*****19276:a =028F VALIDATIO., OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

J. ROBERT HAINES ZONING COMMISSIONER

October 28, 1987

William M. Hesson, Jr., Esquire 204 West Pennsylvania Avenue Towson, Maryland 21204

> RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES E/S Bosley Ave. between Pennsylvania and Allegheny Avenues
> 9th Election District - 4th Councilmanic District 210 West Pennsylvania Avenue Associates Limited Partnership - Petitioner Case No. 88-156-SPHA

Dear Mr. Hesson:

This is to advise you that \$192.76 is due for advertising and posting of the above property. This fee must be paid before an

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do <u>not</u> remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

J. Robert Haines

J. ROBERT HAINES Zoning Commissioner

JRH:med

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 28, 1987

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 2120

SPECAL HEA CAND VARIAL SE ENCLUS SE ENCLUS D'ANDICE SE COMPANDA COMPANDA COMPANDA CAND NA SO-180-49-14

LOCATION: East Side of Bosley
Avenue b tween Pennsylvania
and Allegheny Avenues
DATE AND TIME: Wednesday,

November 4, 1987 at 10:00 a.m.
PUBLIC HEARING: Room 10:00
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland

The Zoning Commissioner of Bal-timore County, by authority of the Zoning Act and Regulations of Balti-more County, will hold a public

Petition for Special Hearing to ap-

prove the determination that the site is a corner lot as contained in the definition under Section 101 of the Baltimore County Zoning Regulations (BCZR) ho the extent the site abuts on or is at the intersection of Bosley and Pennsylvania Avenues and Bosley and Allegheny Avenues respectively

act of 30 feet of 19 feet times 20 feet along a 20 foot alley parallel to Bosley, Armue, of 94 feet in lieu of 15 feet on 1½ feet times 10 feet along a 10 foot alley parallel to Pennsylvania Ave-nue and of 123 feet in lieu of 90 feet or 1½ feet times 60 feet along Pennsylvania

vania Avenue, a front yard setback of corner lot on Pennsylvania Aven nue of 0 feet in lieu of the required 15 feet and 30 feet in lieu of the required 40 feet from the centerline of the

street, and a side yard setback alon

(Booley Avenue) of 0 feet in lieu of the required 10 feet, and an amenity open space of 17,160 square feet in

Being the property of 210 W Pennsylvania Avenue Limited Pa

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

Engineering Department of Traffic Engineering State Roads Commission Bureau of

Health Department Project Planning Building Department Board of Education Zoning Administration Industrial

William M. Hesson, Jr., Esquire Nolan, Plumhoff & Williams, Chartered 204 West Pennsylvania Avenue Towson, Maryland 21204

> RE: Item No. 51 - Case No. 88-156-SPHA Petitioner: 210 West Pennsylvania Avenue Associates Limited Partnership Petitions for Zoning Variance and Special Hearing

Dear Mr. Hesson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Zoning Plans Advisory Committee

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

September 23, 1987

Zoning Commissioner County Office Building Towson, Maryland 21204

Item No. 51 Property Owner:

Location: Existing Zoning: Proposed Zoning: -ZAC- Meeting of August 18, 1987 210 West Pennsylvania Avenue Associated Limited Ptnrshp. NW/C Pennsylvania Avenue and Bosley Avenue

B.M.-CT Special hearing to approve the determination that the site is a corner lot, to the extent that the site abuts on or is at the intersection of Bosley and Pennsylvania Avenues, & Bosley & Allegheny Avenues, respectively variance to permit an exclusion from the height tent limitations 1. of 80 feet in lieu of the permitted .

Dear Zoning Commissioner:

The requested variances for this site are not expected to cause any major traffic problems. This site will be reviewed by the CRG and any traffic problems will be reviewed at that time.



ZONING OFFICE Very truly yours, Thickerf 13.74

Micheal S. Flanigan Traffic Engineer Associate II

Baltimore County Fire Department Towson, Maryland 21204-2586 Paul H. Reincke Char August 26, 1987 J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204 Re: Property Owner: 210 West Pennsylvania Avenue Assoc., Ltd. Partnership. Rasmussen Location: NW/C Pa. Avenue and Bosley Avenue Item No.: 51 Zoning Agenda: Meeting of 8/18/87 Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. () 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code;" 1976 edition prior to occupancy. () 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

Enclosures cc: G.W. Stephens, Jr. & Associates, Inc. 303 Allegheny Avenue Towson, Maryland 21204

JED:kkb

Seu of 15 feet or 1 1/2 feet times 10teet stong a 10 foor alley parallel
to Pernaylvania Avenue and of
123 feet in teu of 90 feet or 1 1/2
text times 8-80 feet stong Pennaylvania Avenue of 9 feet of 10 feet
the required 15 feet in fieu of
the required 15 feet in fieu of
the required 15 feet should be time
side yard authorit along a side
street (Bosley Avenue of 0 feet
in fieu of the required 10 feet, and
an amenty open apmos of 17, 160
source feet in fieu of the required
16,680.7 square feet

Being the property of 210 West Pennsylvania Avenue Limited Part-nership, as shown on plat plan filed with the Zoning Office.

in the event that this Politics, s)

BALTIMORE COUNTY DEPARTMENT OF HEALTH ENVIRONMENTAL PROTECTION Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204 Property Owner: 210 W. Panna · Au assoc · Ltd Ptroshp.

Location: N/W/C Panna Au at Booley au. District 9 Sewage Disposal Metro COMMENTS ARE AS FOLLOWS: () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval. Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

() A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts irtc the atmosphere.

() A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more. () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval. () Prior to any new construction or substantial alteration of public swimming prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

method providing for the elimination of waste oil must be in accordance

() If lubrication work and oil changes are performed at this location, the

with Water Resources Administration requirements.

WWQ 1 4/86

51 Zoning Advisory Committee Meeting of 8-18-87 Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768. () Soil percolation tests (have been/must be) conducted.
() The results are valid until _______) Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whather additional tests are required.) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled. () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples. () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. Laren Th Thereey I and and a recommend of a recommend Division of Water and Sewer WWQ 2 4/86 Department of Environmental Protection and Resource Management

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines Zoning Commissioner

September 16, 1987 Dennis F. Rasmussen County Executive

Julius W. Lichter, Esquire Levin, Gann and Hankin 305 W. Chesapeake Avenue Towson, Maryland 21204

> RE: Petition for Special Hearing and Variances by 210 W. Pennsylania Associates Ltd. Partnership Item 51

Dear Mr. Lichter:

I am in receipt of your letter dated September 11, 1987 regarding the above captioned matter. Please be advised that your letter has been turned over to Ms. Betty duBois of this office and, she will keep you informed regarding the hearing date.

Zoning Commissioner

JRH:mmn

The same of the sa

210 W. Pennsylvania Avenue Limited Partnership c/o Lex Land 204 West Pennsylvania Avenue Towson, Maryland 21204

September 28, 1987

The Honorable Robert Haines Zoning Commissioner, Baltimore County Baltimore County Office Building Chesapeake Avenue Towson, Maryland 21204

> Re: Petition for Zoning Variance and Special hearing; Case No. 88-157-SPHA 210 West Pennsylvania Avenue

Dear Commissioner Haines:

We, the below named property owners/contract purchaser consent to the filing of the captioned zoning petitions for our property.

anes Kerr, Owner 210 West Pennsylvania Ave.

Trammell Crow, by Dirk Mosis Contract Purchaser 202, 204 and 206 West Pennsylvania Avenue

Limited Partnership John Sibrea/Millard Bloom, Owners 208 West Pennsylvania Ave. William M. Hesson, Jr., partner Lex Land, Owner 205/207 West Allegheny Ave.

LAW OFFICES NOLAN, PLUMHOFF & WILLIAMS J. EARLE PLUMHOFF OF COUNSEL CHARTERED NEWTON A. WILLIAMS RALPH E. DEITZ WILLIAM M. HESSON, JR. 204 WEST PENNSYLVANIA AVENUE 9026 LIBERTY ROAD THOMAS J. RENNER WILLIAM P. ENGLEHART, JR TOWSON, MARYLAND 21204 RANDALLSTOWN, MARYLAND (1133) STEPHEN J. NOLAN* (301) 823-7800 (301) 922-2121 ROBERT L. HANLEY, JR. ROBERT S. GLUSHAKOW RUSSELL J. WHITE DOUGLAS L. BURGESS LOUIS G. CLOSE, III TALSO ADMITTED IN D.C. August 5, 1987 ZONING OFFICE J. Robert Haines Zoning Commissioner Baltimore County Office Building Towson, Maryland 21204 RE: Petitioner: 210 West Pennsylvania Avenue Associates Limited Partnership Item 51, Variance and Special Hearing Dear Commissioner Haines: This is a request for a hearing on the Petition for Zoning Variance and Special Hearing for the above-named Petitioner. We ask that you please schedule this matter for hearing as soon as possible. Thank you for your assistance in this matter. ery truly yours, William M. Hesson, Jr. WMH, Jr/jmg LAW OFFICES Nolan, Plumhoff & Williams

204 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204

ILLIAM M. HESSON, JE

LAW OFFICES LEVIN, GANN & HANKIN CALMAN A LEVIN A PROFESSIONAL ASSOCIATION STANFORD G. CANN * ROBERT M. HANKIN 305 W. CHESAPEAKE AVENUE MELVIN A. STEINBERG TOWSON, MARYLAND 21204 IULIUS W. LICHTER SIDNEY WEIMAN 301-321-0600 ROBERT L PRELLER TELECOPIER FAX 301-625-9050 ANDREW R. SANDLEI RANDOLPH C. KNEPPER BRIAN J. FRANK HOWARD L. ALDERMAN, IR September 11, 1987 STUART D KAPLOW JUDITH & GANN® MARC C. GANN * *ALSO ADMITTED IN DO ADMITTED IN NEW YORK ONLY * ALSO ADMITTED NEW YORK J. Robert Haines, Esquire Zoning Commissioner of Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204 RE: Petition For Special Hearing and Variances by 210 W. Pennsylvania Associates Limited Partnership Item 51 Dear Mr. Haines: aware, Mr. Tinsley owns the adjacent properties to the proposed project along Baltimore Avenue.

Please be advised that this office represents Thomas Garland Tinsley in all matters relating to the proposed Trammell Crow 8 story office building and adjacent parking garage. As you may be

It is my understanding that as of this date, a hearing date has yet to be established for the above-noted petition.

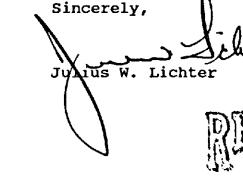
By this letter, I would kindly request that you consult with

me prior to scheduling of a hearing. We will need to coordinate with our expert witnesses and consultants as to their availability for said hearing date.

Thanking you in advance for all of your courtesies, I will await notification of a hearing date.

JWI.: CC

cc: Thomas G. Tinsley





-20-57 Carl - Follow up

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

October 27, 1987

Mr. J. Robert Haines

Norman E. Gerber, AICP FROM Director of Planning and Zoning

SUBJECT Zoning Petition No. 88-156-SPHA

This plan was approved by the CRG on October 8, 1987.

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

TO Zoning Commissioner

NEG:JGH:dme

88-156 SPHA HELLMAN, REDMOND & DANIELS ATTORNEYS-AT-LAW 405 ALLEGHENY AVENUE

ZONING OFFICE

(301) 825-1099

TOWSON, MARYLAND 21204

October 16, 1987

J. Robert Haines Baltimore County Zoning Commissioner County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

> RE: Petition For Variance For Euilding At The North-East Corner Of Bosley And Pennsylvania Avenues, Towson

Gentlemen:

STANLEY H. HELLMAN

LAWRENCE R. DANIELS

ALSO ADMITTED TO PRACTICE IN:

PAUL J. REDMOND

DISTRICT OF COLUMBIA

CONNECTICUT

As owners of property at 405 Allegheny Avenue, approximately 1-1/2 blocks from the building proposed to be constructed by Trammell-Crow Company at the north-east corner of Bosley Avenue and Pennsylvania Avenue, we would like to go on record as supporting the variance. We believe the construction of a first-class office structure immediately adjacent to the Baltimore County Courthouse will increase the stature of the Towson area. The Towson Courthouse, being the hub of a county of approximately 650,000 population deserves an office center around it's courthouse of the highest quality. Therefore, we urge the approval of the necessary zoning requirements to commit the construction of this building.

> Very Truly Yours, pranted H. Hellman

Lawrence R. Daniels

HRD: ibc cc: J. Earle Plumhoff, Esq.

337年938802

ELLIS LEVIN (1893-1980)

BALTIMORE OFFICE

IO LIGHT STREET

BALTIMORE, MD 21202

30+539-3700

CARROLL COUNTY OFFICE

1137 LIBERTY ROAD

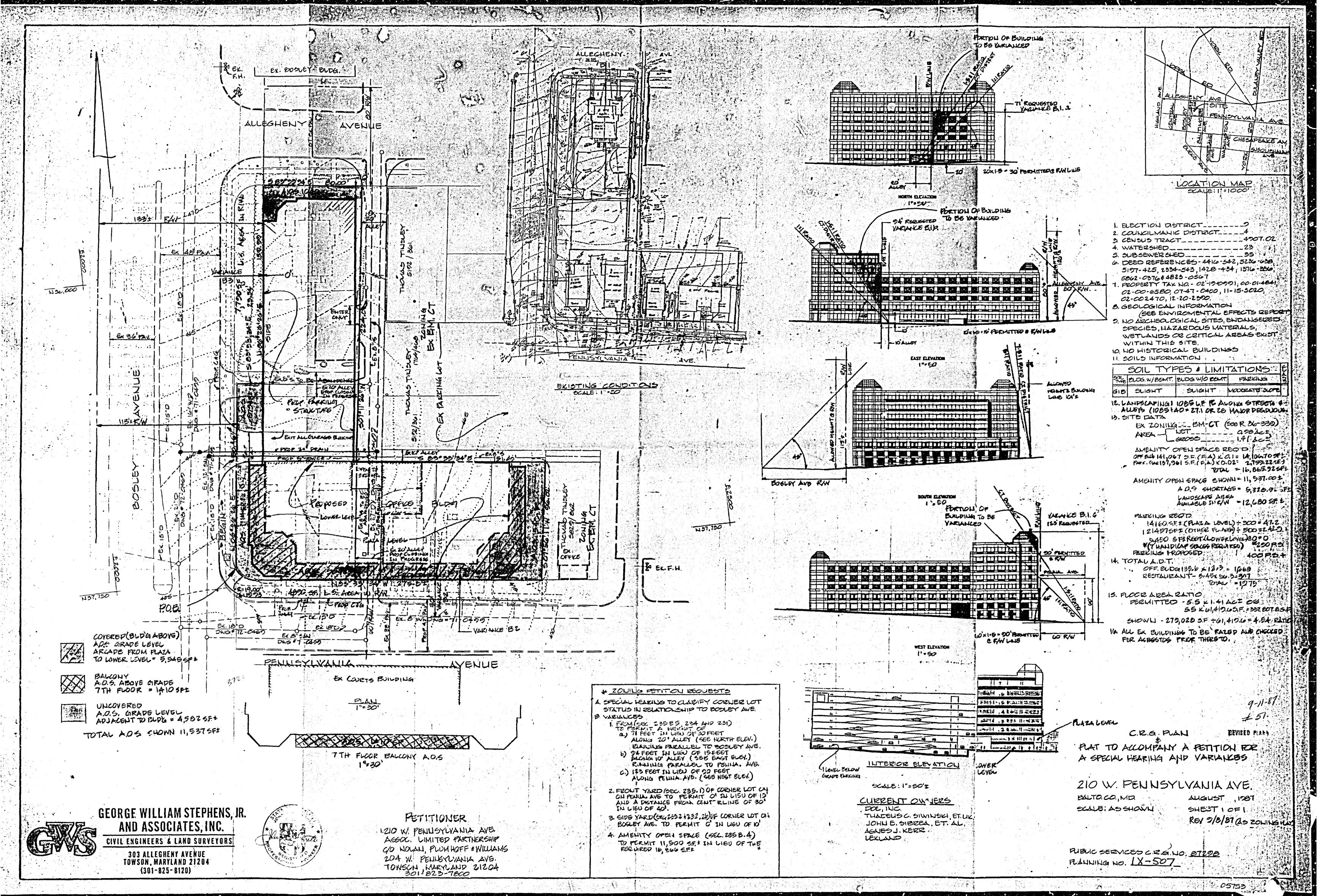
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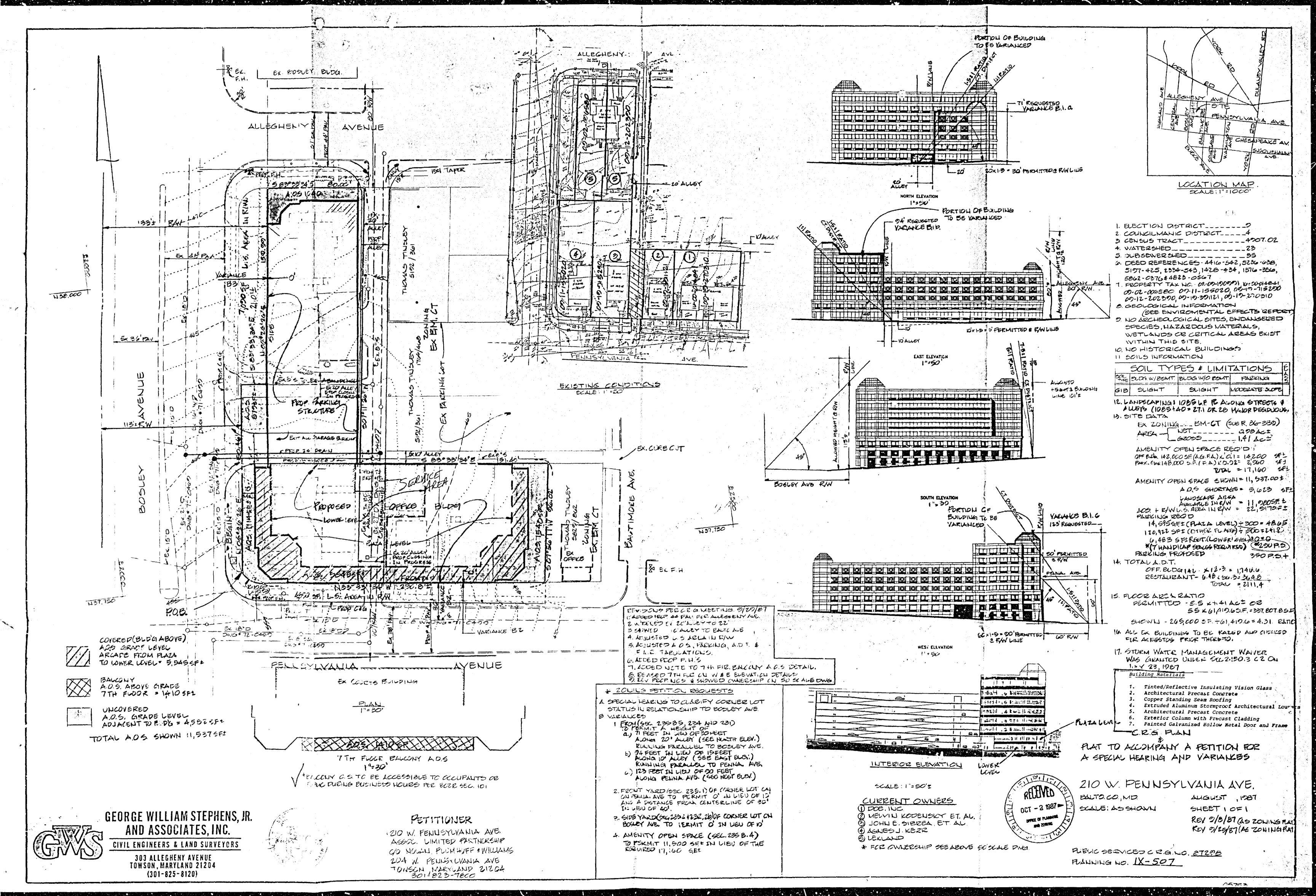
PETITIONER(S) SIGN-IN SHEET

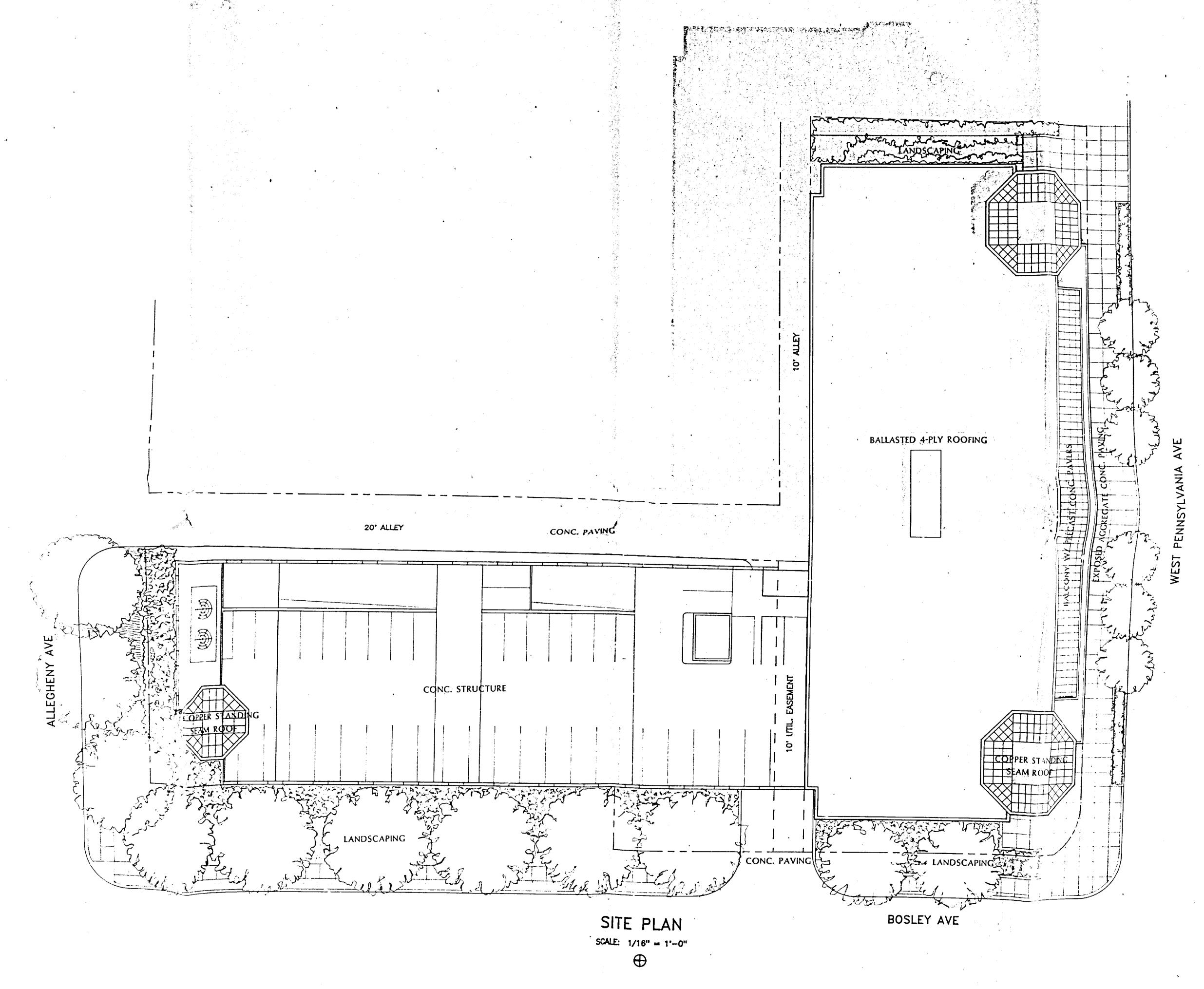
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| EN MCLEOND TRANSPER CROW CO. | 7 ST. PAUL ST, #720, BALTIMONETA, 21202 |
| 1 Steeling SMITH GW STEPHENS | 303 ALLECHELOG AUE TOWERD 21264 |
| CHRIS SCHEIN Graham Land Arch. | 229 Prince George St. Annopolo Md. EHO |
| Millared D Bloom Atty | 208 W. TENNA AIR TOWSON Md. 21201 |
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PROTESTANT(S) SIGN-IN SHEET I NFORMATIONAL PURPOSES

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HOUSE REH ASSOCIATES INCORPORATED ARCHITECTS AIA

210 WEST PENNSYLVANIA AVENUE

OCTOBER 2, 1987

